



Benton County Planning Board

Technical Advisory Committee Meeting

Public Hearing

February 15, 2012

MINUTES

TECHNICAL ADVISORY COMMITTEE

Roll Call: Lane Gurel, Starr Leyva, Ken Knight, Cindy Jones, Jim Cole, John Pate were present. Staff was represented by Elizabeth Bowen, Chris Ryan, Richard McKeethan and Donna Fallin.

Disposition of Minutes: 2/01/2012- Ken Knight moved to accept the minutes from 2-1-2012, Starr Leyva seconded. The minutes were approved unanimously.

Reports from the Board:

- Chair recognized Justice of the Peace King from the Quorum Court and thanked him for attending.
- Chairman suggested that at the next meeting (March 7, 2012) we switch the order of the meetings to have the Public Hearing first followed by TAC and the Board members agreed

Old Business:

A. Centerton Quarry—LSD, Project # 11-134—JP District 11, 15271 Burgin Valley Road, Gravette

Applicant was represented by Tim Gorman, VP of The Rogers Group, 1223 Front Street, Conway, AR

STAFF COMMENTS OF 02-13-12 IN **HIGHLIGHTED** AREAS; Richard L. McKeethan, PE, CFM
HISTORY

- A. Original application was submitted and approved with stipulations by Planning Board in July, 2006.
- B. Time extension was requested by Rogers Group for two years from the March, 2007 Planning Board meeting date. Extension was approved to begin work on the project by March, 2009.
- C. A second extension was requested on September, 2008, and approved by Planning Board at their October 15, 2008 meeting. The Stipulations included the following:
 1. Extension expires December 31, 2011.
 2. Any further extensions would be in the form of a new application.
 3. Applicant will confirm a new agreement with the Benton County Judge's office.
 4. Applicant will confirm a new agreement with the Decatur School Board regarding hours of operation and coordination with school bus drivers.
 5. Revalidate any permits with the State of Arkansas that expire.
 6. A third extension was requested by Applicant by letter to Planning Staff dated July 18, 2011. Planning Board reviewed the request at the August 3, 2001 TAC meeting. It was determined the new application must be submitted per the Second Extension approval stipulation. *PAST SUBMITTAL* dated September 21, 2011.

The Rogers Group submitted the following documents with their new Large Scale Development Project Application.

A. Letter sized copies of:

1. Site Drainage and Layout Plan showing four areas (A, B, C and D), their acreages and points of discharge. Outfalls 001 and 002 will discharge from sedimentation basins in Areas A and C. A profile of the rock cut and overburden soil to remain around the existing 36" water transmission line is shown.
2. Quadrangle topo is transposed onto the Site Layout.
3. Copy of letter from Decatur Public Schools dated August 16, 2006, with three summary paragraphs outlining your agreement with for times of operation, radio use, and 24' wide asphalt pavement width of Bethlehem Road.
4. Letter from Judge Gary Black dated December 14, 2006, noting key features of Bethlehem Road improvements agreed upon with your company.

5. Letters from ADEQ for Air Quality, Stormwater and Quarry Operation permits. Surety bond to State of Arkansas for Mine Reclamation after closure.

B.24 x 36 size Site Drainage & Layout Plan

Plan is a full size of the letter sized plan in 1.a above. Statement about the buffer area size has been added.

The Rogers Group submitted the following documents on January 26, 2012 and in February, 2012:

- C. Drainage Design Calculations by Bates & Associates. Answers to my comments/questions were also attached.
- D. Engineering "No Rise" Certificate (NFIP) regarding work in and next to the floodplain of Pawpaw Creek. Revise the Certificate to note location as Benton County.
- E. Letter on Rogers Group Inc letterhead signed by Scott Borman, BWPWA General Manager, and Tim Gorman, VP for Rogers Group. Letter outlines eight criteria / measures which Rogers Group will use when blasting in the vicinity of the 36" water transmission line.
- F. Set of Site and Topo Plans, Sheets 01 and 02 from Bates & Associates.

STAFF COMMENTS:

- 1. SUBMIT THE FINAL AGREEMENT INCLUDING BLASTING CRITERIA. No final determination of the "Blasting Criteria" to be finalized with Benton/Washington Regional Public Works Authority has been reached. Please complete the criteria and show approval of same with the Authority per the Agreement signed by the Authority and Tim Gorman, Rogers Group, dated December 14, 2006. **COMPLETE.**
- 2. STIPULATION: The letter from Superintendent Larry Ben indicates the approval of the school to operation of trucks and busses at the same time on Bethlehem Road as long as the new 24' wide asphalt pavement is in place. No trucks shall operate and leave the Quarry during school bus operation hours until Bethlehem Road is paved. Re-confirm agreement with Decatur Schools for coordination of bus schedules. **SUBMITTED.**
- 3. Number of years until pending approval expires is two years per ordinance. **NO VARIANCE TO THIS TIME PERIOD SHOULD BE GRANTED.**
- 4. RECEIVED. Submit copies of the letter and verification of its receipt via certified mail to all adjacent property owners notifying them of the Planning Board Public Hearing set for October 19, 2011. **NEW NOTIFICATION OF MARCH 7, 2012 PUBLIC HEARING IS REQUIRED.**
- 5. Will the office be served by water and a septic system? Please submit for septic system approval to Benton County Health Unit of ADH (phone 479-986-1300) **SUBMITTED**

ENGINEERING COMMENTS FROM STAFF:

- 1. Submit grading of specific areas of Quarry site namely; road crossings over water main from one area to another, Sedimentation basins, road crossings over stream showing ramped areas. **SUBMITTED.**
- 2. Show Project Site survey information of its boundaries with bearings, distances, property corners, adjacent property owners names and parcel numbers. **APPLICANT SUBMITTED PLANS FOR THE SURVEY.**
- 3. Indicate existing topo on said survey / site plan. **SUBMITTED.**
- 4. Provide all finish grading requested above at minimum two foot contour intervals, one foot contours where more detail is required. **GRADING OF AREA C IS INDICATED.**
- 5. REQUEST BY APPLICANT TO DELAY SUBMISSION OF INFORMATION FOR #5 THRU #9 UNTIL THEY DECIDE TO START CONSTRUCTION. THIS WILL REQUIRE A WAIVER. Provide specific Off-site Plan for Bethlehem Road improvements. Show cross-section of road and shoulders with required ditch improvements. Show ditch flows and any existing, new or lengthened culverts along the road. Show detailed plan of three-lane portion of road next to Highway 102, taper and striping. **PLANS BY CRAFTON TULL SUBMITTED. PLANS ARE ACCEPTABLE.**
- 6. Indicate the relocation layout of Bethlehem Road and Burgin Valley Road as it ties into the quarry entrance. Letter-sized Site Layout Plan does not agree with the large Site Drainage & Layout Plan.

Please revise large plan to agree with letter-sized plan. **STAFF HAS REVIEWED THIS. SAFETY CAN BE ACHIEVED WITH PROPER TRAFFIC SIGNAGE.**

7. Show the location of new signage at Highway 102 intersection per AHTD requirements. PENDING FROM AHTD STD SPECS.
8. Show the final layout of any revisions to the Bethlehem Church's parking lot ingress and egress after all road intersection modifications. Coordinate work to not conflict with normal meeting times of the church. **SHOW COORDINATED ACCESS POINT TO CHURCH PARKING LOT.**
9. Denote the relocated roads as County maintained with 50' wide rights-of-way. Your property line will continue in the same location which will be on BOTH sides of the roads in this area. **NOT APPLICABLE AS LAYOUT IS MAINTAINED IN EXISTING CONFIGURATION. SEE #7 ABOVE.**
10. Submit statement regarding your calculations to determine sizing of Sedimentation Basins. Will the basins be pumped discharge or be gravity drained? Please note and size the discharge pipe. SUBMITTED
11. Detail and size the pipe discharges at Outlets 001 and 002; and road crossing storm culvert size and inverts. SUBMITTED SIZES.
12. Show all required BMPs located at the outlets, road crossing and along construction boundaries. Submit phased construction showing BMPs at initial clearing, overburden removal and stockpiling, and any features which may remain as permanent erosion control measures. INFORMATION REGARDING TOPSOIL BERMS/SILT FENCE PROVIDED.
13. Show a layout of site lights around the office and main entrance. Indicate site signage location. **SUBMITTED AND IS ACCEPTABLE.**
14. List the types of landscaping to be planted along the entrance drive and eastern perimeter. Are the green solid circles the plantings? Show symbol in legend and specify tree/shrub type and size. SUBMITTED.
15. The 100-year floodplain is not indicated on your drawings. Please add the Zone A floodplain per FIRM panels 05007C0210J and 05007C0230J dated September 28, 2007. The creek name on the FIRM maps is Pawpaw Creek. Our GIS map shows this as "South Prong Spavinaw Creek". Please use Pawpaw Creek in your documents. COMPLETED.
16. Complete the Floodplain Development Application attached to this email. A "No Rise Certificate" must be completed. All permanent structures, outlet pipes, grading and excavation within the existing floodplain must be identified. If the boundaries of the Zone A 100-year flood elevation are being modified, the new limits must be shown. All design plans and reports shall be completed by an Arkansas registered professional engineer. See attached from our web site. **NO RISE CERTIFICATE SUBMITTED. NEEDS TO BE REVISED TO SHOW "BENTON COUNTY".**

Richard McKeenan asked that the hours of operation delineated in the original application stay in place. The Board asked for a letter with a more definitive approval statement from Two-Ton Water Authority or minutes of the discussion about the Centerton Quarry from their last meeting. The Board advised the applicant to return for the March 7, 2012 Public Hearing meeting for a vote. The deadline to notify adjacent property owners for that meeting is 2/22/2012.

Public Hearing

A. Karen Pitcock—Variance to Setback, Project # 11-156, JP District 01; 8030 Cedar Lane, Rogers, AR

Staff Comments:

Action taken at Feb 1, 2012 Public Hearing (revised)

The following action was taken after discussion about vacating the right-of-way and the potential amount of the variance being reduced. Below is a portion of the meeting minutes:

Mark Curtis made a motion to deny the Variance to Setback and John Pate seconded the motion. However, because the applicants had started the process requesting the county vacate an obsolete cul-de-sac, which if approved, would change the setback distance, Mr. Curtis amended his motion. The amended

motion was to table until the request to vacate can be decided. John Cole seconded the amended motion and it passed unanimously.

Applicant through Mr. Wayne Barnes has requested this item be on the February 15 Public Hearing agenda. Additional discussion with applicant has determined that they wish to disconnect the variance request from the issue of vacation of the cul-de-sac, and thus they wish to proceed with a request for a variance based on existing conditions. Further, Staff has not yet received any site plan which definitively indicates with accurate measurement where the proposed wall is to be installed and therefore, does not have sufficient information in which to make an informed decision.

Staff Review (revised as of 2/14)

Staff's review of the requested variance is based upon the Board's ability to grant variances. The current request is for no more than 10' variance based on the encroachment into right-of-way which will create an angled distance of approximately 15'.

Given applicants' preference to have the Board adjudicate this variance request based on existing conditions, the Board may wish to consider the following:

1. Variances are relevant to situations of hardship and thus the Board may wish to determine whether this case constitutes a hardship if the wall is not permitted to be built to its full extent through the setback area. The Board may wish to discuss options to the full variance with staff and the applicant such as:
 - a. Land contouring versus building a wall
 - b. A less lengthy wall
2. As noted above, the Board also may wish to consider the variance request based on some intermediate hardship and thus may wish to consider either the full variance or to modify the variance request to a lesser encroachment into the setback area. Note that the applicant indicated at the prior meeting that they could live with a wall that did not encroach into the setback area. The Board may wish to further assess this assertion.
3. The Board should determine whether it wishes to define a ten (10) foot setback variance adjacent to a cul-de-sac and crossing the setback at an acute angle to mean the actual distance the wall traverses the setback area or whether a ten (10) foot setback request refers to encroaching across the full extent of the setback at any angle. This may require a Board stipulation which applies to this case singularly and staff can continue to research the issue as it may apply to future situations.
4. The applicant indicated at the prior Board meeting that they had initiated the petition process to have the ROW vacated. However, staff inquiry determined that a petition has not yet been filed. Since this claim had driven staff recommendation to table, the Board may wish to remove the item from the table and deliberate based on existing conditions as the applicant has requested.

Recommendation

Based upon the limited and insufficient information received from the applicant, staff offers No Recommendation. This is based upon lacking facts on which to make an informed decision related to the proposed location of wall, location of utilities, etc.

Mr. Barnes told the Board that the Request For Vacancy of land owned by the County, for an obsolete cul-de-sac, on the Pitcock property had not been finalized. He asked to disconnect that issue from the initial Request For a Variance. (At the 2/1/12 meeting this project was tabled until the Request To Vacate could be resolved.) The Board agreed and Ken Knight moved to take the Request For Variance from the table for consideration, Cindy Jones seconded, and the motion passed unanimously.

Mr. Barnes addressed the following questions asked by the Board at the 2/1/12 meeting: The water utility is on the opposite side of the road; many of the other residents have built walls similar to what the Pitcock's are proposing along the setback on the street; because of the layout of the lot, the inability to build the proposed wall would cause a hardship on the Pitcock family. The Board felt that a precedent had been set by default by the many structures/obstacles already located within the setback in this neighborhood. They asked Director Chris Ryan to schedule a site visit to 8030 Cedar Lane to determine exactly how many feet the requested variance should be. Ken Knight moved to allow Planning Staff to determine how many feet the variance will need to be and consult with Carroll Electric about the allowable proximity to the power pole. The motion was seconded by John Pate and passed unanimously. The Board agreed to allow the Staff to approve the variance Administratively. Mr. Ryan stated that Staff would set up the site visit on Thursday 2/16/2012.

B. Big Springs Sporting Clays—LSD, Project # 11-154—JP District 11: 14321 Beaty Rd, Gravette
Applicant was represented by Tim Sorey of Sand Creek Engineering.

Applicants made a presentation and discussion followed. Board members were concerned about Safety and noise. Applicant Charles Ratliff withdrew the project prior to Public Comment.

Jim Cole moved that the project be withdrawn without prejudice. Ken Knight seconded the motion and it passed unanimously.

New Business:

A. Robert and Shirley Miller, Tract Split—Project # 11-165; JP District 1: 8224 Miller Road, Rogers

STAFF COMMENTS:

1. Applicant is Mr. Lester Straw who is purchasing a tract of land from M/M Robert Miller, owners. Application was submitted and signed by the owner for the split. Present property is 2.48 acres known as Tract 1 setting along Miller Road and Pinecrest Trail in the Panorama Park, Fourth Addition. Applicant proposes to divide the property into two parcels (Tract 1A being 1.01 acres, Tract 2 being 1.47 acres) at a narrow point in the property.
2. An existing house and garage with all utilities are shown on Tract 1B.
3. Surveyor shows setbacks of 25' front, and 10' sides as there are two corner parcels with no true rear lot line.

ITEMS TO BE CORRECTED/ REVISED:

1. Title drawing as Robert Miller Tract Split (ITEM CORRECTED)
2. Show two lines for owner signatures....OR make one line long enough for both to sign. (ITEM CORRECTED)
3. Final documents will be signed by surveyor. (ITEM CORRECTED)
4. Show setback lines on Tract 2. (ITEM CORRECTED)

CONCLUSION:

Staff recommends approval of the tract split with no stipulations. Staff noted that all documents were in order.

Cindy Jones made a motion to approve the Tract Split, Ken Knight seconded and the motion passed unanimously.

The meeting was adjourned at 8:20 PM.